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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,236	08/28/2003	Tatsutoshi Abe	393032040300	6413
7590 06/25/2008				
David L. Fehman Morrison & Foerster LLP 35th Floor 555 W. 5th Street Los Angeles, CA 90013			EXAMINER ANWARI, MACEEH	
			ART UNIT 2144	PAPER NUMBER
			MAIL DATE 06/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/650,236

Applicant(s)

ABE ET AL.

Examiner

MACEEH ANWARI

Art Unit

2144

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to the amendments filed on 3/19/2008. **Claims 1, 2, 4, 5 and 7- 10** were amended and **claim 3** was canceled. No other claims have been amended, canceled, or newly presented. Accordingly, **claims 1- 2 and 4- 10** are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1-2 and 4-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fujimori et al.** (hereinafter **Fujimori**) U.S. Patent No.: 6,148,051 and further in view of **Nakai et al.** (hereinafter **Nakai**) U.S. Publication No.: 2002/0064185 A1.

4. Regarding **Claim 1** **Fujimori** discloses: A command synchronization establishment system comprising:

a network wherein a cycle master node managing time on the network

periodically transmits a cycle start packet including time information to each node connected to the network, each node synchronizes its clock in accordance with the time information included in the cycle start packet so as to assure isochronism on the network by sharing the synchronized clock with each other node (Figures 1- 6 and Col. 6 lines 13- 21; master node, cycle time extracting circuit, cycle start packet and cycle packet train), data is transferred by an isochronous transfer, and a command is transferred by an asynchronous transfer (Figures 1- 6; isochronous, synchronous and asynchronous data packets); a controller connected to the network, comprising a transmitter that transmits a command including a time-stamp based on the shared clock to a target apparatus by using the asynchronous transfer (Figures 1- 6 and Col. 1 lines 44- 57; time stamp, oscillator/internal clock and asynchronous data packets); and the target apparatus connected to the network, comprising a receiver that receives the command, a storage device that temporally stores the received command in order not to execute the received command instantly (Figures 1- 6 and Abstract; receiving device, send/receive data buffers, ROM/RAM and CPU), a transmitter that transmits a response to the controller reflecting that the received command will be executed when a current time based on the shared clock reaches a time represented by the time-stamp included in the command (Figures 1- 6 and Abstract; receiving device, send/receive data buffers, ROM/RAM and CPU), an executing device that executes the received command when a current time based on the shared clock

reaches the time represented by the time-stamp included in the command to be executed and a replying device that provides a response indicating completion of executing the command.

However, **Fujimori** remains silent on the specific teachings of an executing device that executes the received command when a current time based on the shared clock reaches the time represented by the time-stamp included in the command to be executed and a replying device that provides a response indicating completion of executing the command.

In the same field of endeavor, **Nakai** discloses an executing device that executes the received command when a current time based on the shared clock reaches the time represented by the time-stamp included in the command to be executed and a replying device that provides a response indicating completion of executing the command (Figures 18- 25; time stamp, waiting until time stamp time and starting action).

Accordingly it would have been obvious for one of ordinary skill in the networking art to modify or incorporate **Nakai's** teachings of waiting until the time stamp time before executing an action with the teachings of **Fujimori**, to provide for a more efficiency in synchronizing systems.

5. Regarding **claim 4 Fujimori-Nakai** further discloses wherein said each node connected to the network shares the clock with each other node by copying the time information included in the cycle start packet to a cycle time register in each node, and said time-stamp included in the command is in a format including

a part or all formats of the cycle time register (Figures 1-5B and Abstract & Col. 4 lines 8-26; time stamp register, cycle timing register, cycle period, clock generating circuit and delay and comparing circuit and synchronizing internal time data).

6. Regarding **claim 5 Fujimori-Nakai** further discloses wherein said command includes a flag instructing the executing device to execute the command instantly or when a current time reaches the time represented by the time-stamp included in the command, and the target apparatus determines whether to execute the received command instantly or when a current time reaches the time represented by the time-stamp in accordance with the flag (Figures 18- 25; time stamp, waiting until time stamp time and starting action).

7. Regarding **claim 6 Fujimori-Nakai** further discloses wherein the flag uses a part of a format of the time-stamp included in the command (Figures 1-5B and Abstract & Col. 4 lines 8-26; time stamp register, receipt register, time register, cycle timing, cycle period, clock generating circuit and delay and comparing circuit and data packets and synchronizing internal time data).

Claims 2 and 7- 10 are substantially the same as **claims 1 and 4- 6** and are therefore rejected using the same rationale as in **claims 1 and 4- 6**.

Examiner Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially

teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Response to Arguments

1. Applicant's arguments with respect to **claims 1- 2 and 4- 10** have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant has had an opportunity to amend the claimed subject matter, and has failed to modify the claim language to distinguish over the prior art of record by clarifying or substantially narrowing the claim language. Thus, Applicant apparently intends that a broad interpretation be given to the claims and the Examiner has adopted such in the present and previous Office action rejections. See *In re Prater and Wei*, 162 USPQ 541 (CCPA 1969), and MPEP 2111.
3. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).
4. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims

with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly defines the claimed invention.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MACEEH ANWARI whose telephone number is (571)272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.
/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144